



AF/3627
#16/ reply
Brief
80428DAN

Customer No. 01333

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Walter C. Slater, et al

**PHOTOFINISHING SYSTEM AND
METHOD INCORPORATING
DIGITAL TECHNOLOGY**

Serial No. US 09/494,011

Filed 28 January 2000

Group Art Unit: 3627

Examiner: F. J. Bartuska

I hereby certify that this correspondence is being deposited today with the United States Postal Service as first class mail in an envelope addressed to Commissioner for Patents, Washington, D.C. 20231.

Lisa DeMunck
Lisa DeMunck

January 6, 2003
Date

Commissioner for Patents
Washington, D.C. 20231

Sir:

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REPLY BRIEF

This reply brief is in response to the Examiner's Answer dated November 4, 2002.

First, with respect to the outstanding rejection of Claims 15-33 under 35 USC 112, first paragraph, along with the present reply brief, Applicants are submitting an amendment after final which Applicants believe will clarify the issue with respect to the multiple customer orders. In view of the amendment after final submitted with the present reply brief, it is believed that the rejection of claims 15-33 under 35 USC 112, first paragraph is no longer applicable.

With respect to the rejection of claims 38 and 40 under 35 USC 102(e) as being anticipated by Shiota et al., Applicants believe that there is no showing or suggestion in the reference to Shiota et al. of a central processing unit as required by claims 38 and 40 which creates a virtual batch of obtained images and is adapted to analyze each of the obtained images for image correction based on at least reference image data.

With respect to the rejection of claims 1-6, 8-19 and 21-23 under 35 USC 103(a) as being unpatentable over Shiota et al. in view of Kristy, Applicants note that neither Shiota et al. nor Kristy teach or suggest the combination of creating virtual batches and optimizing images based on reference image data. Further, absent Applicants' disclosure, one having ordinary skill in the art would not have modified the reference to Shiota et al. with the teaching of

Kristy since neither reference shows the desirability of having a central processing unit which has the combined features of creating virtual batches, analyzing images with respect to comparing the images to reference image data and determining an output sequence of the images to output devices.

In view of the above, as well as the comments set forth in the appeal brief, it is submitted that the inventions defined by each of claims 1-33, 38 and 40 are patentable over the applied references to Shiota et al. and Kristy, whether these references are considered individually or in combination.

For the above reasons, Appellants respectfully request that the Board of Patent Appeals and Interferences reverse the rejection of the Examiner and mandate the allowance of the claims.

Respectfully submitted,



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